

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Jim McDonnell, Sheriff

May 15, 2015

Deputy Daniel Genao, #[redacted]

Dear Deputy Genao:

On July 30, 2012, you were served with a Letter of Imposition under File Number 2267238, notifying you that you were discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on July 26, 2012.

On April 21, 2015, the discipline was reduced pursuant to a final Civil Service decision. All Departmental records will reflect that you received a thirty (30) day suspension. The thirty (30) day suspension will be deemed served July 27, 2012 through August 25, 2012.

Pursuant to the Civil Service decision, the investigation under IAB File Number 2267238, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements; and/or 3-01/100.35, False Information in Records, on or about May 6, 2010, while on duty, you authored an incident report and/or a Probable Cause Declaration detailing false information resulting in the arrest of [redacted] and [redacted] as evidenced by but not limited to:

    a) preparing an Incident Report which indicated that a firearm was recovered from Mr. [redacted] waistband as opposed to a planter, and/or;

    b) preparing a Probable Cause Declaration which indicated that a firearm was recovered from Mr. [redacted] waistband as opposed to a planter, and/or;

c) presenting a verbal account to Sergeant Crieghton that a firearm was recovered from Mr. [redacted] waistband as opposed to a planter.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/030.05, General Behavior, on or about May 6, 2010, while on duty, you authored an incident report and/or a Probable Cause Declaration detailing false information resulting in the arrest of [redacted] and [redacted] On or about June 8, 2010, the Sheriff's Department's Internal Criminal Investigations Bureau presented the case to the Los Angeles County District Attorney's Office, which resulted in filing of two counts of perjury (118.1 P.C. and 118(A) P.C.). On or about July 12, 2011, you appeared in Superior Court and plead "Nolo Contendere" to one misdemeanor count of 118.1 P.C., False Police Report. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Donnie L. Mauldin, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DLM:PR:liz

c: Advocacy Unit
Employee Relations Unit
Personnel Administration
Buddy Goldman, Chief, East Patrol Division
Industry Station/Personnel File
Internal Affairs Bureau (File #2267238)

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DISPOSITION SHEET

DATE: March 28, 2012
FILE NO. IAB IV 2267238

FROM:	THOMAS M. LAING, CHIEF	TO:	JOHN H. CLARK, CAPTAIN
	FIELD OPERATIONS REGION III		INTERNAL AFFAIRS BUREAU

SUBJECT: **GENAO, DANIEL #[redacted]**
DEPUTY SHERIFF
INDUSTRY SHERIFF'S STATION
FIELD OPERATIONS REGION III

Upon consideration of the facts developed in this investigation, I have determined that Subject Genao should be **Discharged**, from his position as a deputy sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Thomas M Laing
Thomas M. Laing, Chief

6/5/12
Date

CASE REVIEWED BY:

EARL M. SHIELDS
Print Sign
Commander

Karyn Mannis
Karyn J. Mannis
Commander

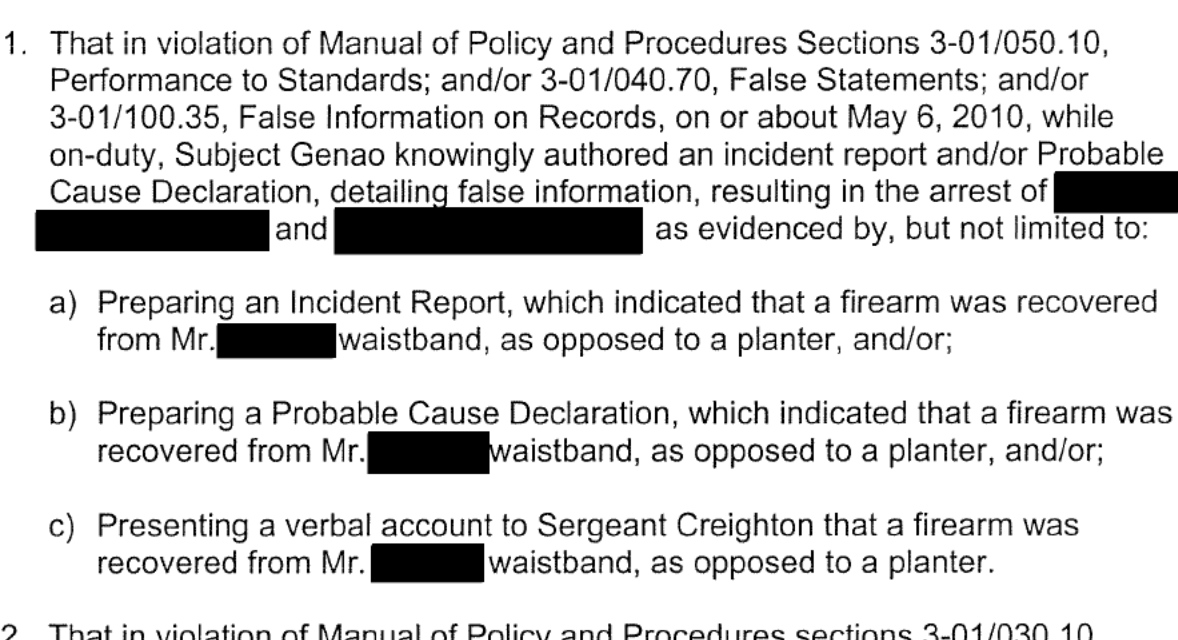
6/5/12
Date

06-05-12
Date

JOE GUTIERREZ
Print Sign
Commander

6/5/12
Date

The evidence in this investigation **supports** the following charges:



1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.70, False Statements; and/or 3-01/100.35, False Information on Records, on or about May 6, 2010, while on-duty, Subject Genao knowingly authored an incident report and/or Probable Cause Declaration, detailing false information, resulting in the arrest of [redacted] and [redacted] as evidenced by, but not limited to:

   a) Preparing an Incident Report, which indicated that a firearm was recovered from Mr. [redacted] waistband, as opposed to a planter, and/or;

   b) Preparing a Probable Cause Declaration, which indicated that a firearm was recovered from Mr. [redacted] waistband, as opposed to a planter, and/or;

   c) Presenting a verbal account to Sergeant Creighton that a firearm was recovered from Mr. [redacted] waistband, as opposed to a planter.

2. That in violation of Manual of Policy and Procedures sections 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/030.05, General Behavior, on or about May 6, 2010, while on-duty, Subject Genao authored an incident report and/or a Probable Cause Declaration detailing false information, resulting in the arrest of [redacted] and [redacted] On or about June 8, 2010, the Sheriff's Department's Internal Criminal Investigations Bureau presented the case to the Los Angeles County District Attorney's Office, which resulted in the filing of two counts of perjury (118.1 P.C. and 118(A) P.C.). On or about July 12, 2011, Subject Genao appeared in Superior Court and pleaded "Nolo Contendere" to one misdemeanor count of 118.1 P.C., False Police Report. Subject Genao's conduct has brought discredit and embarrassment upon himself and the Los Angeles County Sheriff's Department.

CASE SUMMARY:

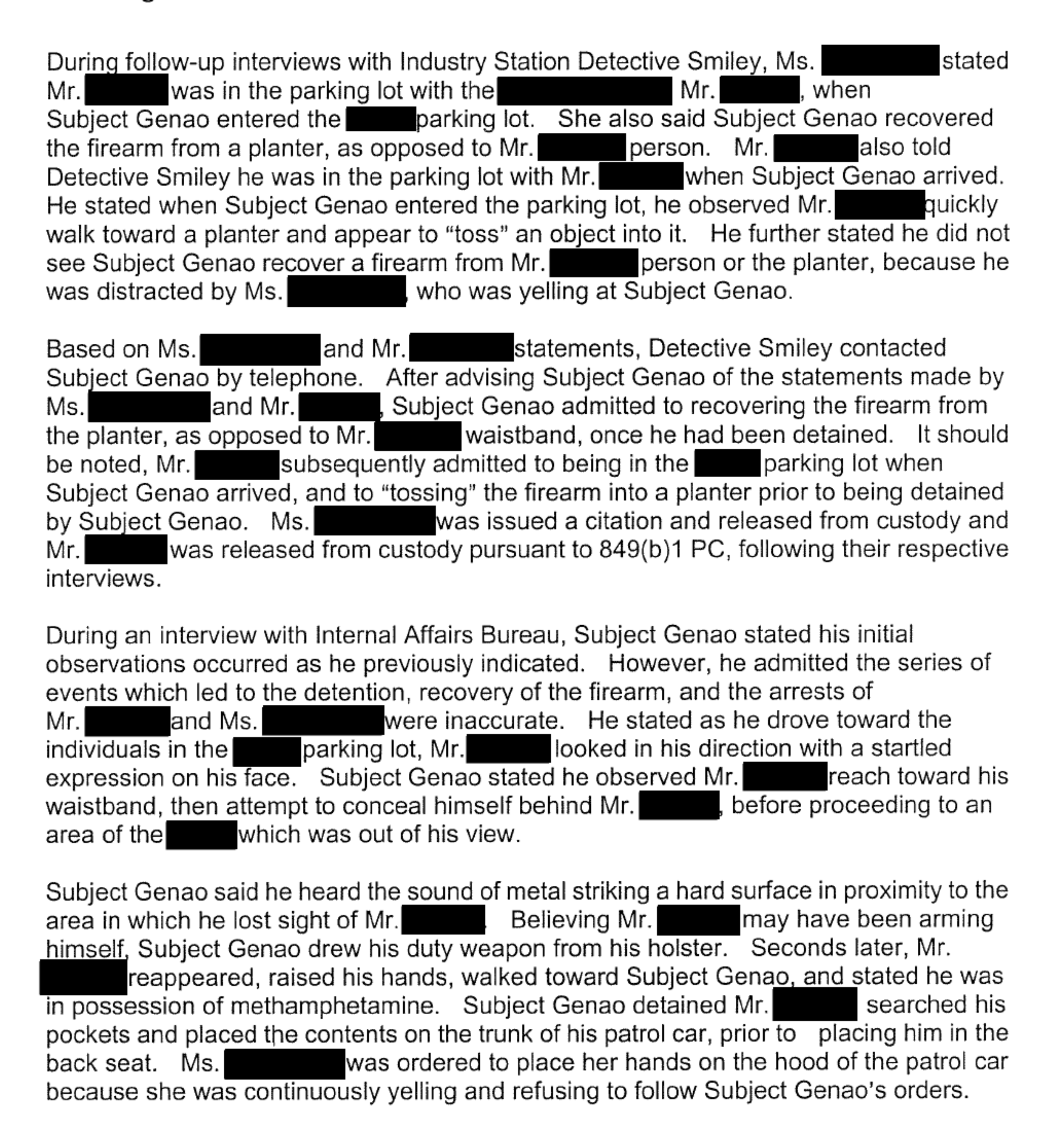
On Thursday, May 6, 2010, Subject Genao was assigned to Industry Station, as a one person patrol car on the early morning shift. At approximately 2205 hours, Subject Genao was conducting a patrol check of the [redacted], located at [redacted] Francisquito Avenue, La Puente. As he drove into the parking lot of the location, he observed a male and a female, later identified as [redacted] and [redacted] arguing, and a third person, later identified as [redacted], [redacted], standing a few feet away.

As Subject Genao drove toward the individuals, Mr. [redacted] looked in his direction with a startled expression, reached toward his waistband and attempted to conceal himself behind Mr. [redacted] Mr. [redacted] then lowered his body and "hopped" to an area outside of Subject Genao's view. Subject Genao drew his duty weapon from his holster and heard the sound of metal striking a hard surface emit from the area he last observed Mr. [redacted] Mr. [redacted] reappeared seconds later from the same location, and walked toward Subject Genao. His hands were raised and he spontaneously stated he was in possession of methamphetamine.

Subject Genao ordered Ms. [redacted] to place her hands on the hood of his patrol car, as he contacted Mr. [redacted], emptied the contents of his pockets on the trunk lid of his patrol car, and secured him in the back seat. Ms. [redacted] became very vocal and continuously removed her hands from the vehicle, despite Subject Genao's repeated orders for her not to move.

Subject Genao walked to the area where he lost sight of Mr. [redacted] and previously heard the sound of metal striking a hard surface, and observed a loaded .40 caliber firearm lying in a planter. Subject Genao recovered the handgun, secured it in his vehicle, and requested back-up. Once additional deputies arrived, Subject Genao inventoried the contents of Mr. [redacted] pockets and observed a baggy containing a crystal like substance resembling methamphetamine.

Mr. [redacted] and Ms. [redacted] were subsequently arrested and transported to Industry Station. During the booking process, Subject Genao presented a verbal account and a Probable Cause Declaration (PCD), detailing the arrests, to Sergeant Creighton. Subject Genao's written and verbal account of the arrest indicated, Mr. [redacted] initially admitted to possessing methamphetamine. Subject Genao conducted a search of his person and recovered a loaded concealed firearm. He additionally recovered suspected methamphetamine from his pocket. He also indicated Ms. [redacted] interfered with his actions by obstructing and delaying the arrest of Mr. [redacted].

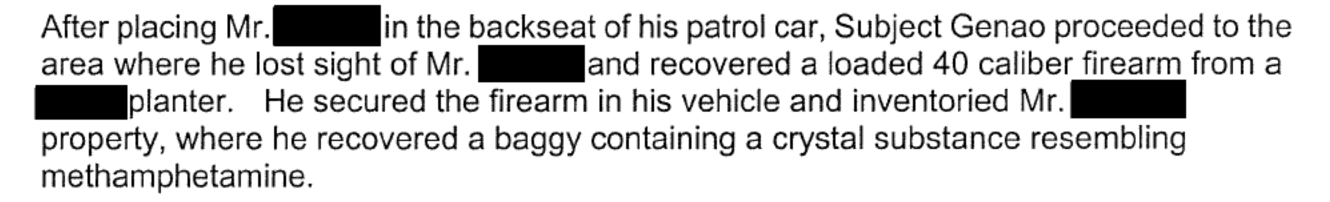


During follow-up interviews with Industry Station Detective Smiley, Ms. [redacted] stated Mr. [redacted] was in the parking lot with the [redacted] Mr. [redacted], when Subject Genao entered the [redacted] parking lot. She also said Subject Genao recovered the firearm from a planter, as opposed to Mr. [redacted] person. Mr. [redacted] also told Detective Smiley he was in the parking lot with Mr. [redacted] when Subject Genao arrived. He stated when Subject Genao entered the parking lot, he observed Mr. [redacted] quickly walk toward a planter and appear to "toss" an object into it. He further stated he did not see Subject Genao recover a firearm from Mr. [redacted] person or the planter, because he was distracted by Ms. [redacted], who was yelling at Subject Genao.

Based on Ms. [redacted] and Mr. [redacted] statements, Detective Smiley contacted Subject Genao by telephone. After advising Subject Genao of the statements made by Ms. [redacted] and Mr. [redacted], Subject Genao admitted to recovering the firearm from the planter, as opposed to Mr. [redacted] waistband, once he had been detained. It should be noted, Mr. [redacted] subsequently admitted to being in the [redacted] parking lot when Subject Genao arrived, and to "tossing" the firearm into a planter prior to being detained by Subject Genao. Ms. [redacted] was issued a citation and released from custody and Mr. [redacted] was released from custody pursuant to 849(b)1 PC, following their respective interviews.

During an interview with Internal Affairs Bureau, Subject Genao stated his initial observations occurred as he previously indicated. However, he admitted the series of events which led to the detention, recovery of the firearm, and the arrests of Mr. [redacted] and Ms. [redacted] were inaccurate. He stated as he drove toward the individuals in the [redacted] parking lot, Mr. [redacted] looked in his direction with a startled expression on his face. Subject Genao stated he observed Mr. [redacted] reach toward his waistband, then attempt to conceal himself behind Mr. [redacted], before proceeding to an area of the [redacted] which was out of his view.

Subject Genao said he heard the sound of metal striking a hard surface in proximity to the area in which he lost sight of Mr. [redacted]. Believing Mr. [redacted] may have been arming himself, Subject Genao drew his duty weapon from his holster. Seconds later, Mr. [redacted] reappeared, raised his hands, walked toward Subject Genao, and stated he was in possession of methamphetamine. Subject Genao detained Mr. [redacted] searched his pockets and placed the contents on the trunk of his patrol car, prior to placing him in the back seat. Ms. [redacted] was ordered to place her hands on the hood of the patrol car because she was continuously yelling and refusing to follow Subject Genao's orders.



After placing Mr. [redacted] in the backseat of his patrol car, Subject Genao proceeded to the area where he lost sight of Mr. [redacted] and recovered a loaded 40 caliber firearm from a [redacted] planter. He secured the firearm in his vehicle and inventoried Mr. [redacted] property, where he recovered a baggy containing a crystal substance resembling methamphetamine.

Subject Genao admitted he took a "stupid shortcut" and it was a mistake. He stated the incident left him with a feeling he has never felt before. Subject Genao stated he felt like he was given a second chance at life and he wanted to go home to his family. In his mind, it was shorter to write the report the way he did, as opposed to detailing the incident the way it occurred. Subject Genao further stated he did not purposely write an untruthful report, but he was not thinking when he wrote the PCD or the report. He said he wrote he recovered the loaded firearm from Mr. [redacted] person because he knew Mr. [redacted] had the firearm and discarded it, before he (Subject Genao) recovered it.

On June 8, 2010, the Sheriff's Department's Internal Criminal Investigations Bureau presented the case to the Los Angeles County District Attorney's Office. The District Attorney's Office subsequently filed two counts of perjury (118.1 P.C. and 118(A) P.C.). On July 12, 2011, Subject Genao appeared in Superior Court and pleaded "Nolo Contendere" to one misdemeanor count of Filing a False Police Report - 118.1 P.C. and one count of Perjury - 118 (A) P.C. was dismissed, as a result of the plea agreement.

Performance and Disciplinary History:

Subject Genao has been a Sheriff's Department employee since October 23, 1998. He has never been the subject of a "founded" administrative investigation.

Subject Genao received a Unit Commander Commendation on July, 3, 2007, due to his performance resulting in the arrest of two suspects who were throwing rocks from a freeway overpass and the collection of evidence linking them to the crime. He also received a Quality of Service Award on March 11, 2010, when he and his partner tracked a dangerous felon to the city of Pico Rivera, utilizing the ASAP system, and successfully took him into custody with a large quantity of methamphetamine, a handgun, cocaine, 51 marijuana plants and a large sum of money.

Disposition:

Based on the foregoing assessment of mitigating and aggravating factors, the following is the level of discipline to be assessed, subject to revision upon receiving the Subject's response or grievance:

_X__ Discharge
_____ Reduction in Rank
_____ Suspension with loss of pay and benefits for___day(s)
_____ Written Reprimand
_____ No discipline recommended

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER: IV 2267238

SUBJECT: Daniel Genao, Deputy, #[redacted]

STATION/UNIT/BUREAU: Industry Station, Region III

DATE/TIME/DAY: May 6, 2010, 2205 hours, Thursday

LOCATION: [redacted] Francisquito Avenue, La Puente, CA 91744

Synopsis:

On May 6, 2010, Subject Daniel Genao, #[redacted] assigned to Industry Station for six years, was working a one person unit (147B EM's) in the unincorporated City of La Puente.

Subject Genao conducted a patrol check at the [redacted] The [redacted] is known by Industry patrol deputies as a haven for gang members and narcotics trafficking. Subject Genao saw a male (Suspect [redacted]) and female (Suspect [redacted]) arguing in the parking lot. Subject Genao stopped his vehicle to contact the suspects. While approaching the suspects, Suspect [redacted] spontaneously stated "Come on, all I got is some meth." Subject Genao asked Suspect [redacted] if he had anything else. Suspect [redacted] said "I don't think so, you can check."

Subject Genao conducted a search of Suspect [redacted] and recovered a loaded firearm from the right side waistband of his pants. Subject Genao also recovered a clear plastic baggie containing methamphetamine from Suspect [redacted] right front pants pocket. Suspect [redacted] was arrested for possession of narcotics while possessing a firearm.

Suspect [redacted] prevented Subject Genao from placing Suspect [redacted] into the patrol vehicle by arguing and impeding his path to the patrol vehicle. Subject Genao ordered Suspect [redacted] several times to step away. Suspect [redacted] was subsequently arrested for interfering and/or obstructing a law enforcement officer in his/her duties

The above information was obtained from Subject Genoa's incident report and probable cause declaration. Subject Genao wrote and submitted his Incident Report, Probable Cause Declaration, Medical forms, and Booking slips before the end of his shift. **(Exhibit A- ICIB Casebook Page 9)**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

On May 7, 2010, Industry Station Detective Smiley was conducting follow-up interviews of arrestee's when he contacted Suspect [redacted] in the booking area of Industry Station Jail. While questioning Suspect [redacted], she told a different version of the arrest as written by Subject Genao.

She told Detective Smiley that Subject Genao found the gun in a planter and not on Suspect [redacted] as written by Subject Genao. She also told Detective Smiley the [redacted] of the [redacted] was outside in the parking lot talking to Suspect [redacted] when Subject Genao arrived.

Detective Smiley contacted Witness [redacted] who is the [redacted] of the [redacted] and was present when Subject Genoa drove into the parking lot. Witness [redacted] said he and Suspect [redacted] were walking away from room # [redacted] toward the office to discuss Suspect [redacted] vacating the [redacted]

Witness [redacted] said he saw a patrol car drive into the parking lot. Suspect [redacted] suddenly walked quickly in the direction of the stairway located on the north end of the building. Witness [redacted] saw Suspect [redacted] stop and look into a trash can. Suspect [redacted] then walked directly to the planter on the north side of the stairway. He appeared to use both hands to toss an unknown object down into the planter. Suspect [redacted] then quickly walked back in the direction of Subject Genao who was now outside his patrol car, ordering Suspect [redacted] to walk to him.

Witness [redacted] said he did not see Subject Genao find a gun on Suspect [redacted] or in the planter, because he was distracted by the actions of Suspect [redacted] who was yelling at Subject Genao. Witness [redacted] went on to explain that the surveillance equipment was not working during the incident.

Prior to contacting Suspect [redacted] Detective Smiley notified Sergeant [redacted] # [redacted] of his findings. They agreed Detective Smiley should contact Subject Genao to clarify and confirm the details in his report.

At approximately 1200 hours, Detective Smiley contacted Subject Genao by telephone. Detective Smiley explained to Subject Genao what he had been told by Suspect [redacted] and Witness [redacted]. Subject Genao told Detective Smiley the suspect and witness were correct and that Suspect [redacted] had tossed the handgun in the planter and he (Genao) had recovered it from the planter after detaining Suspect [redacted] Detective Smiley terminated the conversation.

Detective Smiley contacted Suspect [redacted] who told him he and Witness [redacted] were outside his room when a patrol car entered the parking lot. He said Witness [redacted] produced a handgun and handed it to him while asking Suspect [redacted] to take it to the front counter. Suspect [redacted] panicked, took the handgun, and tossed it into the planter before being detained by Subject Genao. **(Exhibit A- ICIB Casebook Page 18**)

As a result of the investigation by Detective Smiley the suspects were immediately released and no charges were filed with the District Attorney.

On May 11, 2010, the Sheriff's Department's Internal Criminal Investigations Bureau opened an investigation regarding an allegation that Subject Genao, while assigned to patrol duties, submitted an arrest report and made false material statements under oath of a Probable Cause Declaration to a Superior Court judge.

On June 8, 2010, the District Attorney filed two counts of perjury (118.1 P.C. and 118(A) P.C.) against Subject Genao.

On July 12, 2011, Subject Genao appeared in Los Angeles Superior Court, Department 50, for a plea agreement hearing with Judge David Horowitz. Subject Genao pleaded "Nolo Contendere" to one misdemeanor count of Filing a False Police Report – 118.1 P.C. An additional count of Perjury- 118 P.C., was dismissed as a result of the plea agreement. **(Exhibit B**)

On August 18, 2011, Internal Affairs Bureau was assigned the administrative investigation. The following is a summary of Internal Affairs Bureau investigation regarding the case in question.

DEPARTMENT WITNESS STATEMENTS

On June 17, 2010 Internal Criminal Investigation Bureau Sergeant Cassidy, #[redacted] interviewed Detective Dave Smiley.

Detective Smiley, #[redacted] said he was working a weekend duty assignment as a detective when he received an in-custody report involving Suspect [redacted] and Suspect [redacted]

Detective Smiley said he interviewed Suspect [redacted] believing she might provide information regarding the stolen gun. They went over her detention and arrest, and during the interview Suspect [redacted] told him she saw Subject Genao recover the handgun from a planter on the side of the parking lot.

Detective Smiley wanted to corroborate her story and proceeded to the [redacted] to contact Witness [redacted] who was the [redacted] on May 6, 2010. Detective Smiley said Witness [redacted] told him he had been in the parking lot talking with Suspect [redacted] when a marked Sheriff's patrol car drove into the parking lot. Suspect [redacted] quickly walked away toward a planter and made a tossing motion. Suspect [redacted] walked toward the deputy where he was detained.

Witness [redacted] said he never saw the deputy recover a gun, but he knew a gun had been recovered, because the deputy came up to him later and told him that he "shouldn't be fucking around like that." Witness [redacted] said he believed the deputy thought he was somehow involved with Suspect [redacted] and the handgun.

Detective Smiley said that based on the information he had obtained, he believed there may have been a problem with the initial investigation and report submitted by Subject Genao. He notified his supervisor who told him to call Subject Genao to resolve the matter.

Detective Smiley called Subject Genao and explained the results of his interviews with Suspect [redacted] and Witness [redacted] Detective Smiley told Subject Genao he needed him to tell him what happened at the location. There was silence on the telephone for a minute and then Subject Genao said "yeah, that's what happened." Detective Smiley was stunned and told Subject Genao to clarify what he meant. Subject Genao said "What they're telling you, that's what happened."

Detective Smiley said he asked Subject Genao why he would have done such a "silly thing," and that (based on the totality of the circumstances) he had a legal arrest the way it "went down." Detective Smiley said Subject Genao said something like, I just wanted to make it stick (referring to the arrest and criminal charges). Detective Smiley ended the conversation with Subject Genao.

Detective Smiley immediately notified his supervisors. He then interviewed Suspect [redacted] who told him that the [redacted] gave him the handgun, which Suspect [redacted] tossed in the planter. **(Exhibit A- ICIB Casebook Pages 4-7)**

On July 7, 2010, Sergeant Cassidy interviewed **Sergeant Douglas Creighton, #**[redacted] who was the Watch Commander on May 6, 2010. Prior to the interview, Sergeant Cassidy had Sergeant Creighton review the original Probable Cause Declaration (PCD) form with the file number 910-06325-1432-151.

Sergeant Creighton said he recognized and signed that document. Sergeant Creighton said Subject Genao presented him with both a written statement (on the PCD) and an oral statement. Sergeant Creighton said the oral statement matched what was written on the PCD when it was presented to him by Subject Genao.
(Exhibit A- ICIB Casebook Page 7)

NON-DEPARTMENT WITNESS STATEMENTS

[redacted]:
On May 7, 2007, Industry Station Detective Smiley contacted Suspect [redacted] in the booking area of Industry Station Jail. Suspect [redacted] told Detective Smiley she was inside her room waiting for Suspect [redacted] to return from discussing a refund with the [redacted].

> **IAB Note: She later told ICIB Investigators she was in a truck when the patrol car drove into the parking lot. (Exhibit A- ICIB Casebook Page 4)**

She heard loud voices coming from the parking lot. She exited her room and saw a patrol car stopped in the parking lot with a deputy (Genao) standing beside the vehicle. Subject Genao was ordering Suspect [redacted] to walk toward him. When Suspect [redacted] reached Subject Genao, he was placed in the backseat.

Suspect [redacted] approached Subject Genao to tell him about how the [redacted] had propositioned her earlier in the evening. Subject Genao told her to back away as he walked toward the outside stairway on the north end of the building. She followed and saw Subject Genao knock over a trash can and look through its contents. Subject Genao next looked into a planter located on the north side of the planter and recovered a handgun. As Subject Genoa walked back to the patrol car to secure the weapon, she continued to ask him why he was arresting Suspect [redacted]

Detective Smiley told her he believed she was lying to protect Suspect [redacted]. She insisted Subject Genao found the gun in a planter and not on Suspect [redacted] She also told Detective Smiley the [redacted] was outside in the parking lot talking to Suspect [redacted] when Subject Genao arrived. She claimed she had been walking in and out of the room loading her car, while Suspect [redacted] spoke with the [redacted].
(Exhibit A- ICIB Casebook Pages 18-20)

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

[redacted]:

Detective Smiley contacted Witness [redacted] who is the [redacted] of the [redacted] and was present when Subject Genoa drove into the parking lot. Witness [redacted] said he and Suspect [redacted] were walking away from room # [redacted] toward the office to discuss Suspect Valdez vacating the [redacted].

Witness [redacted] saw a patrol car drive into the parking lot. Suspect [redacted] suddenly walked quickly in the direction of the stairway located on the north end of the building, as Witness [redacted] immediately stopped walking.

Witness [redacted] saw Suspect [redacted] stop and look into a trash can. Suspect Valdez then walked directly to the planter on the north side of the stairway. He appeared to use both hands to toss an unknown object down into the planter. Suspect [redacted] then quickly walked back in the direction of Subject Genao, who was now outside his patrol car ordering Suspect [redacted] to walk to him.

Witness [redacted] said he saw Subject Genao secure Suspect [redacted] in the patrol vehicle, as Suspect [redacted] approached pleading with him to release Suspect [redacted]. Subject Genao approached Witness [redacted] and told him to "quit fucking around" and that "the guy had a gun."

Witness [redacted] said he did not see Subject Genao find the gun on Suspect [redacted] or in the planter because he was distracted by the actions of Suspect [redacted]. Witness [redacted] went on to explain that the surveillance equipment was not working during the incident. **(Exhibit A- ICIB Casebook Page 20)**

[redacted]

Detective Smiley contacted Suspect [redacted] who told him he and Witness [redacted] were outside his room when a patrol car entered the parking lot. He said Witness [redacted] produced a handgun and handed it to him while asking Suspect [redacted] to take it to the front counter. Suspect [redacted] panicked, took the handgun, and tossed it into the planter before being detained by Subject Genao. **(Exhibit A- ICIB Casebook Page 21)**

Suspect [redacted] is currently [redacted] CCHRS printout included with this review. **(Exhibit E)**

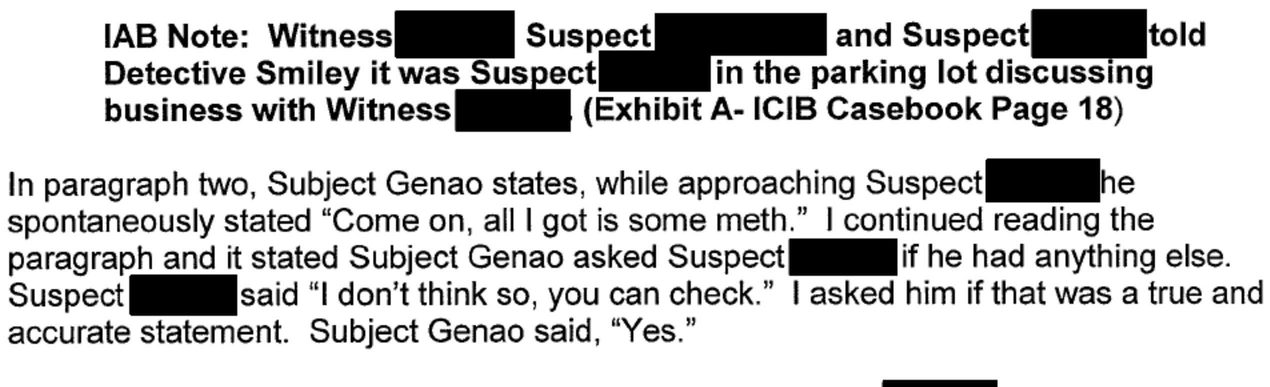
INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

SUBJECT STATEMENT

Subject Daniel Genao was interviewed on January 25, 2012 by Internal Affairs Bureau Sergeants Hector Velasquez and Slade Carrizosa. Subject Genao was represented by his attorney Greg Emerson. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. The interview was digitally recorded and transcribed. The interview transcripts have been included with this case.

I provided Subject Genao with copies of his Incident Report, Probable Cause Declaration, Medical forms, and Booking slips. **(Exhibit A- ICIB Casebook**)

I called his attention to the Incident Report and asked him if he had authored it; he said "Yes." I asked Subject Genao about the first paragraph where he wrote he drove into the parking lot of the [redacted] and observed the suspects arguing. Subject Genao said the statement was true and accurate.



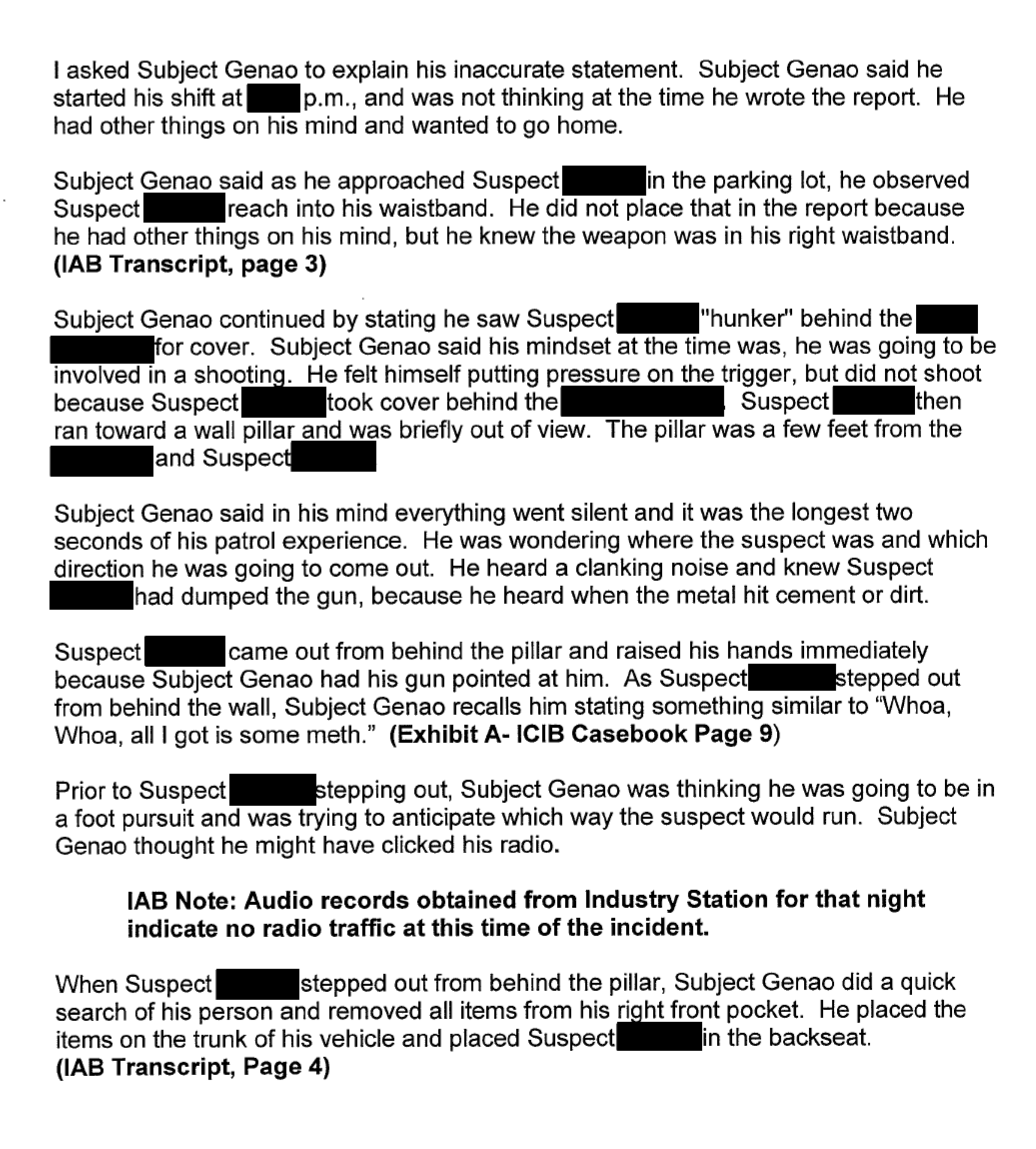
> **IAB Note: Witness [redacted] Suspect [redacted] and Suspect [redacted] told Detective Smiley it was Suspect [redacted] in the parking lot discussing business with Witness [redacted] (Exhibit A- ICIB Casebook Page 18**)

In paragraph two, Subject Genao states, while approaching Suspect [redacted] he spontaneously stated "Come on, all I got is some meth." I continued reading the paragraph and it stated Subject Genao asked Suspect [redacted] if he had anything else. Suspect [redacted] said "I don't think so, you can check." I asked him if that was a true and accurate statement. Subject Genao said, "Yes."

> **IAB Note: This exchange took place after Suspect [redacted] stepped toward Subject Genao, after having run behind a wall. (IAB Transcript, Page 4)**

I continued reading the paragraph where it states, "While conducting a search on Suspect One, I recovered a loaded firearm concealed in his right side pants waistband." I asked Subject Genao if that was a true and accurate statement. He said it was inaccurate.

I continued and asked him if the paragraph he wrote regarding finding one clear plastic baggie containing methamphetamine in the suspect's right front pocket was true. He said "Yes."



I asked Subject Genao to explain his inaccurate statement. Subject Genao said he started his shift at [redacted] p.m., and was not thinking at the time he wrote the report. He had other things on his mind and wanted to go home.

Subject Genao said as he approached Suspect [redacted] in the parking lot, he observed Suspect [redacted] reach into his waistband. He did not place that in the report because he had other things on his mind, but he knew the weapon was in his right waistband. **(IAB Transcript, page 3)**

Subject Genao continued by stating he saw Suspect [redacted] "hunker" behind the [redacted] for cover. Subject Genao said his mindset at the time was, he was going to be involved in a shooting. He felt himself putting pressure on the trigger, but did not shoot because Suspect [redacted] took cover behind the [redacted]. Suspect [redacted] then ran toward a wall pillar and was briefly out of view. The pillar was a few feet from the [redacted] and Suspect [redacted]

Subject Genao said in his mind everything went silent and it was the longest two seconds of his patrol experience. He was wondering where the suspect was and which direction he was going to come out. He heard a clanking noise and knew Suspect [redacted] had dumped the gun, because he heard when the metal hit cement or dirt.

Suspect [redacted] came out from behind the pillar and raised his hands immediately because Subject Genao had his gun pointed at him. As Suspect [redacted] stepped out from behind the wall, Subject Genao recalls him stating something similar to "Whoa, Whoa, all I got is some meth." **(Exhibit A- ICIB Casebook Page 9**)

Prior to Suspect [redacted] stepping out, Subject Genao was thinking he was going to be in a foot pursuit and was trying to anticipate which way the suspect would run. Subject Genao thought he might have clicked his radio.

> **IAB Note: Audio records obtained from Industry Station for that night indicate no radio traffic at this time of the incident.**

When Suspect [redacted] stepped out from behind the pillar, Subject Genao did a quick search of his person and removed all items from his right front pocket. He placed the items on the trunk of his vehicle and placed Suspect [redacted] in the backseat. **(IAB Transcript, Page 4)**

Subject Genao was asked by his attorney to further explain what was going on in his mind as he wrote his report. Subject Genao said as he secured the location, he was thinking Suspect [redacted] "had the drop" on him. As he transported Suspect [redacted] to the station, Subject Genao told Suspect [redacted] that he had gotten the drop on him. Suspect [redacted] responded with a chuckle.

Subject Genao said he kept playing the incident in his mind and it took him longer than usual to book the suspects and evidence. He kept thinking to himself "I came close to getting myself capped or killed." He left the station at 2:00 a.m. and drove to the local 7-11. While at the 7-11, the events leading up to the arrest continued to play in his mind. He kept thinking of his wife, his daughters and thought of calling home. At that moment he thought he wanted to write his report, get it signed, and go home. **(IAB Transcript, Page 5)**

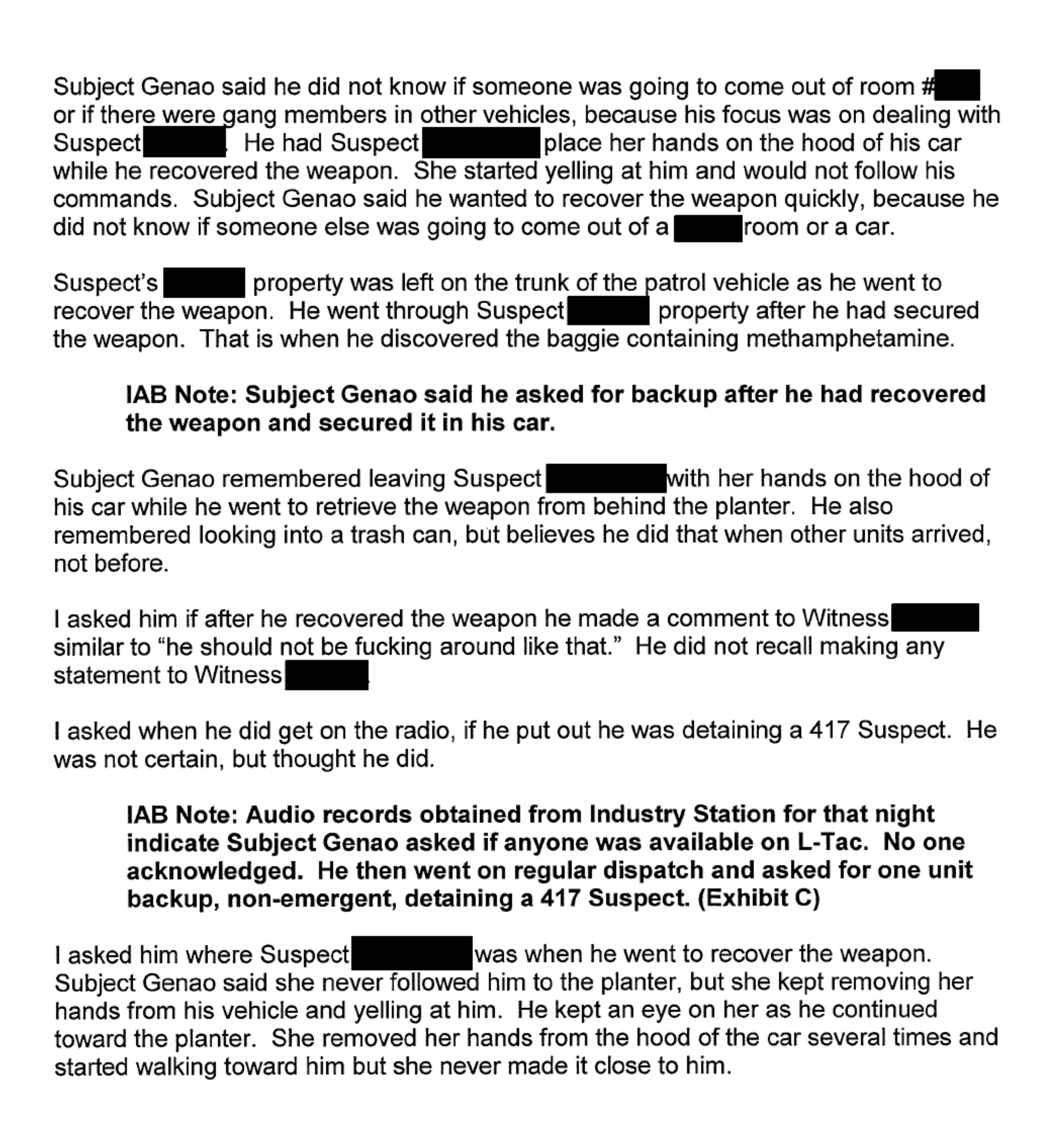
I asked Subject Genao to explain why he had driven to the [redacted] I asked him if that was his routine. Did he know it was frequented by drug dealers and gang members? He said "Yes."

I asked him to explain his thought process based on his experience in the area as he pulled into the parking lot. Subject Genao said he saw the suspects arguing. Suspect [redacted] and Suspect [redacted] were near the open door of room # [redacted] Witness [redacted] was a few feet away from the suspects.

He saw Suspect [redacted] look at him with a "oh shit look on his face." He could tell Suspect [redacted] was thinking which way to go. He exited his car and asked them if everything was okay. I asked him if he thought of calling for backup at that point. He said "No." **(IAB Transcript Pages 6-7)**

I asked Subject Genao if at the time he saw Suspect [redacted] run behind the pillar wall he thought of cover or calling for backup. Subject Genao said he might have keyed his radio, but he was thinking at the time which way Suspect [redacted] would come out. When he did not come out, Subject Genao took one step forward and froze.

Subject Genao said he knew he was exposed standing in front of his patrol car by the front fender with his driver's door open. He heard the clank of metal and then Suspect [redacted] was walking out. He remembered seeing Suspect [redacted] standing a few feet from him (Subject Genao) near the open door of room # [redacted] He said this sequence took 2-3 seconds and he felt himself frozen.



Subject Genao said he did not know if someone was going to come out of room #[redacted] or if there were gang members in other vehicles, because his focus was on dealing with Suspect [redacted]. He had Suspect [redacted] place her hands on the hood of his car while he recovered the weapon. She started yelling at him and would not follow his commands. Subject Genao said he wanted to recover the weapon quickly, because he did not know if someone else was going to come out of a [redacted] room or a car.

Suspect's [redacted] property was left on the trunk of the patrol vehicle as he went to recover the weapon. He went through Suspect [redacted] property after he had secured the weapon. That is when he discovered the baggie containing methamphetamine.

> **IAB Note: Subject Genao said he asked for backup after he had recovered the weapon and secured it in his car.**

Subject Genao remembered leaving Suspect [redacted] with her hands on the hood of his car while he went to retrieve the weapon from behind the planter. He also remembered looking into a trash can, but believes he did that when other units arrived, not before.

I asked him if after he recovered the weapon he made a comment to Witness [redacted] similar to "he should not be fucking around like that." He did not recall making any statement to Witness [redacted].

I asked when he did get on the radio, if he put out he was detaining a 417 Suspect. He was not certain, but thought he did.

> **IAB Note: Audio records obtained from Industry Station for that night indicate Subject Genao asked if anyone was available on L-Tac. No one acknowledged. He then went on regular dispatch and asked for one unit backup, non-emergent, detaining a 417 Suspect. (Exhibit C)**

I asked him where Suspect [redacted] was when he went to recover the weapon. Subject Genao said she never followed him to the planter, but she kept removing her hands from his vehicle and yelling at him. He kept an eye on her as he continued toward the planter. She removed her hands from the hood of the car several times and started walking toward him but she never made it close to him.

I asked Subject Genao why he felt compelled to recover the gun immediately when he had Suspect [redacted] secured in the backseat and Suspect [redacted] on the hood of his car. I asked him why he did not secure Suspect [redacted] then ask for backup. He said his intention was to secure the handgun, deal with Suspect [redacted] and then the open [redacted] room door when backup arrived. Based on prior experience and being familiar with that [redacted] and its patrons, he felt recovering the gun was the safest thing to do and then requesting backup.

I asked him if the reason he did not document his actions on his Incident report was because he was tired. Subject Genao said it was not so much that he was tired but more the experience with the suspects. He had never experienced what he did that night and felt an urgency to go home because he felt he had been given a second chance to live.

Sergeant Carrizosa asked Subject Genao why he wrote he found the gun in his waistband instead of the planter. Subject Genao said it was a "stupid shortcut" he took, because he wanted to go home to his family. It was a mistake on his part. At the time and in his mind it was shorter to write the report the way he did, rather than the truth.

Sergeant Carrizosa asked Subject Genao to clarify if he wrote the report knowing that part of the report was untruthful. Subject Genao said at the time he was writing the report he was not thinking "I know this isn't true."

Sergeant Carrizosa asked him if he forgot the truth of the incident while he was writing the report. Subject Genao said "No." It was when he got home and was later told by Detective Smiley, on the telephone, that there were issues with the report he turned in. Subject Genao said he admitted to Detective Smiley that the statements given to him by the Witness and Suspect were correct. He said he was not thinking when he wrote the report. Subject Genao said he did not purposely write an untruthful report.

I provided Subject Genao with a copy of a Probable Cause Declaration (PCD). I asked him if the information on the PCD was written by him, he said "Yes."

I asked him if wrote the PCD and ran the arrest by the Watch Sergeant prior to writing the incident report. He said "Yes." I called his attention to the narrative and asked him why he wrote he recovered a loaded firearm concealed on Suspect [redacted] and methamphetamine in his pocket. Subject Genao said he wrote it, because he knew Suspect [redacted] had the loaded handgun on his person and there was no one else that had a handgun, other than him.

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I asked him if the statement on the PCD was accurate or another mistake on his part. He said it was not accurate it was a mistake, just like his report.

Sergeant Carrizosa asked Subject Genao if it was a mistake or a short cut. Subject Genao said it was a mistake and "he could have been more detailed and more clear on it, but PCD's are supposed to be short and simple." He said when he wrote "concealed on his person", he knew it was concealed on his person, because he "saw him reach in his waistband and it was concealed in his waistband prior to dumping the weapon."

I asked Subject Genao if at the time he submitted his PCD and ran the arrest by the Watch Sergeant if he had already decided in his mind that was how the report would be written, he said "No." I asked him if he made two mistakes that night, once on the PCD and once on the Incident Report, he said "Yes."

Sergeant Carrizosa asked him if it was because he had other things on his mind. Subject Genoa said he kept thinking how Suspect [redacted] chuckled when Subject Genao told him he had the drop on him. Subject Genao said he was not himself from that point on and knew it because he could not write the PCD, and other deputies were asking him if he was okay.

I asked him if he was scared during the contact with the suspects. Subject Genao said he has been scared before, but not like this. This encounter made him "see death" and he had never felt like that before and felt he was "given a second chance" to live.

I reviewed the Medical Screening Form, Bail Deviation, and Booking Slips with Subject Genao. Subject Genao said the information on the documents was true and accurate as given to him by the suspects at the time of booking.

I provided Subject Genao with copies of the photographs taken by Detective Smiley. Subject Genao looked at the photographs and placed an "x" where Suspect [redacted] was during the contact and the direction Suspect [redacted] ran.

Subject Genao recognized the photograph that depicted the area where the planter was located. He identified the steps mentioned during his interview and placed an "x" where he recovered the handgun. He also identified the trash can and the direction Suspect [redacted] ran when he hid from Subject Genao.

I showed Subject Genao a final photograph of a weapon. Subject Genao said that was the weapon he recovered from the planter. **(IAB Exhibit D)**

I asked Subject Genao what emotions he had when he received the call from Detective Smiley that morning. Subject Genao said he felt a load come off his chest. He did not try to deny anything and told him how the arrest happened. He did not remember making the statement to Detective Smiley regarding he just wanted to make the arrest stick.

Sergeant Carrizosa asked Subject Genao if when he authored the report he thought finding the weapon on the person would make a better case for the weapon possession. Subject Genao said that was something that never went through his head.